

**BEFORE THE DIRECTOR  
DEPARTMENT OF CONSUMER AFFAIRS  
BUREAU OF AUTOMOTIVE REPAIR  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**ANGELO BERTOLLI AUTOMOTIVE  
INC.**

**Pierangelo Bertolli,  
President/Secretary/Treasurer  
dba A & R AUTOMOTIVE  
1141 San Mateo Avenue  
San Bruno, CA 94066-1527**

Case No. 77/14-30

Automotive Repair Dealer Registration  
No. ARD 123078  
Lamp Station License No. LS 123078,  
Class A  
Brake Station License No. BS 123078,  
Class C

and

**PIERANGELO BERTOLLI  
1141 San Mateo Avenue  
San Bruno, CA 94066-1527**

Brake Adjuster License No. BA 109822,  
Class C  
Lamp Adjuster License No. LA 109822,  
Class A

Respondents.

**DECISION**

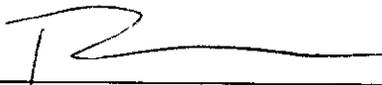
The attached Stipulated Revocation of License and Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter; except that the following typographical errors are corrected as follows:

1. Page 2, lines 11, 14, and 17: The expiration date of "February 25, 2015" is corrected to "February 25, 2016".

2. Page 2, line 25: The expiration date of "February 25, 2015" is corrected to "February 25, 2019".

This Decision shall become effective April 24, 2016.

DATED: March 31, 2016

  
\_\_\_\_\_  
TAMARA COLSON  
Assistant General Counsel  
Department of Consumer Affairs

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Attorney General of California  
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8 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
**STATE OF CALIFORNIA**  
10

11 In the Matter of the Accusation Against:

Case No. 77/14-30

12 **ANGELO BERTOLLI AUTOMOTIVE INC.**  
Pierangelo Bertolli, President/Secretary/Treasurer  
13 dba A & R AUTOMOTIVE  
1141 San Mateo Avenue  
14 San Bruno, CA 94066-1527

**STIPULATED REVOCATION OF  
LICENSE AND ORDER**

15 Automotive Repair Dealer Registration  
No. ARD 123078  
16 Lamp Station License No. LS 123078, Class A  
Brake Station License No. BS 123078, Class C  
17

18 And

19 **PIERANGELO BERTOLLI**  
1141 San Mateo Avenue  
San Bruno, CA 94066-1527  
20

21 Brake Adjuster License No. BA 109822, Class C  
Lamp Adjuster License No. LA 109822, Class A  
22

Respondents.  
23

24 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
25 interest and the responsibilities of the Director of Consumer Affairs and the Bureau of  
26 Automotive Repair the parties hereby agree to the following Stipulated Revocation of License  
27 and Order which will be submitted to the Director for the Director's approval and adoption as the  
28 final disposition of the Accusation.

1 PARTIES

2 1. Patrick Dorais ("Complainant") is the Chief of the Bureau of Automotive Repair  
3 ("Bureau"), Department of Consumer Affairs. He brought this action solely in his official  
4 capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of  
5 California, by Leslie E. Brast, Deputy Attorney General.

6 A & R Automotive:

7 1. On or about February 28, 1986, the Bureau issued Automotive Repair Dealer  
8 Registration Number ARD 123078 to Angelo Bertolli Automotive Inc., Pierangelo Bertolli,  
9 President/Secretary/Treasurer, dba A & R Automotive (hereinafter "Respondent A & R"). The  
10 Automotive Repair Dealer Registration was in full force and effect at all times relevant to the  
11 charges brought herein and will expire on February 28, 2015, unless renewed.

12 2. On or about April 17, 1986, the Bureau issued Lamp Station Number LS 123078 to  
13 Respondent A & R. The Lamp Station was in full force and effect at all times relevant to the  
14 charges brought herein and will expire on February 28, 2015, unless renewed

15 3. On or about 1986, the Bureau issued Brake Station License Number BS 123078 to  
16 Respondent A & R. The Brake Station License was in full force and effect at all times relevant to  
17 the charges brought herein and will expire on February 28, 2015, unless renewed.

18 Pierangelo Bertolli:

19 4. In or about 1983, the Bureau issued Lamp Adjuster License Number LA 109822 to  
20 Pierangelo Bertolli (hereinafter "Respondent Bertolli").<sup>1</sup> The Lamp Adjuster License was in full  
21 force and effect at all times relevant to the charges brought herein and will expire on February 28,  
22 2018, unless renewed.

23 5. In or about 1986, the Bureau issued Brake Adjuster License Number BA 109822 to  
24 Respondent Bertolli. The Brake Adjuster License was in full force and effect at all times relevant  
25 to the charges brought herein and will expire on February 28, 2015, unless renewed.

26 ///

27 <sup>1</sup> Respondent A & R and Respondent Bertolli are referred to collectively as  
28 "Respondents."



1 Respondent Bertolli's Brake Adjustor License and Lamp Adjuster License.

2 9. For the purpose of resolving the Accusation without the expense and uncertainty of  
3 further proceedings, Respondents agree that, at a hearing, Complainant could establish a factual  
4 basis for the charges in the Accusation and Respondents hereby give up their rights to contest the  
5 remaining charges in the Accusation.

6 10. Respondents agree that A & R's Automotive Repair Dealership Registration, Brake  
7 Station License and Lamp Station License, and Respondent Bertolli's Brake Adjustor License and  
8 Lamp Adjuster License, are subject to discipline, and Respondents agree to be bound by the  
9 Director's imposition of discipline as set forth in the Disciplinary Order below.

10 CONTINGENCY

11 11. This stipulation shall be subject to approval by the Director of Consumer Affairs or  
12 the Director's designee. Respondents understand and agree that counsel for Complainant and  
13 Bureau of Automotive Repair staff may communicate directly with the Director and staff of the  
14 Department of Consumer Affairs regarding this stipulation and settlement, without notice to or  
15 participation by Respondents or their counsel. By signing the stipulation, Respondents  
16 understand and agree that they may not withdraw their agreement or seek to rescind the  
17 stipulation prior to the time the Director considers and acts upon it. If the Director fails to adopt  
18 this stipulation as the Decision and Order, the Stipulated Revocation of License and Order shall  
19 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action  
20 between the parties, and the Director shall not be disqualified from further action by having  
21 considered this matter.

22 12. The parties understand and agree that Portable Document Format (PDF) and facsimile  
23 copies of this Stipulated Revocation of License and Order, including Portable Document Format  
24 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

25 13. This Stipulated Revocation of License and Order is intended by the parties to be an  
26 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
27 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
28 negotiations, and commitments (written or oral). This Stipulated Revocation of License and

1 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
2 writing executed by an authorized representative of each of the parties.

3 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
4 the Director may, without further notice or formal proceeding, issue and enter the following  
5 Disciplinary Order:

6 **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 123078  
8 issued to Angelo Bertolli Automotive Inc., Pierangelo Bertolli, President/Secretary/Treasurer, dba  
9 A & R Automotive ("Respondent A & R"), is permanently invalidated; Lamp Station Number LS  
10 123078, and Brake Station License No. BS 123078, issued to Respondent A & R are revoked; and  
11 Lamp Adjuster License Number LA 109822 and Brake Adjuster License Number BA 109822,  
12 issued to Pierangelo Bertolli ("Respondent Bertolli"), are revoked by the Director of the  
13 Department of Consumer Affairs ("Director").

14 1. The revocation of Respondent A & R's Automotive Repair Dealer Registration and  
15 Lamp and Brake Station licenses shall constitute the imposition of discipline against Respondent  
16 A & R. This stipulation constitutes a record of the discipline and shall become a part of  
17 Respondent A & R's license history with the Bureau of Automotive Repair.

18 2. Respondent A & R shall lose all rights and privileges as an Automotive Repair Dealer  
19 and Lamp and Brake Station in California as of the effective date of the Director's Decision and  
20 Order.

21 4. The revocation of Respondent Bertolli's Lamp and Brake Adjuster Licenses shall  
22 constitute the imposition of discipline against Respondent Bertolli. This stipulation constitutes a  
23 record of the discipline and shall become a part of Respondent Bertolli's license history with the  
24 Bureau of Automotive Repair.

25 5. Respondent Bertolli shall lose all rights and privileges as a Lamp and Brake Adjuster  
26 in California as of the effective date of the Director's Decision and Order.

27 3. Respondents shall cause to be delivered to the Bureau any and all wall and/or pocket  
28 licenses and registration(s) on or before the effective date of the Decision and Order.

1 7. If Respondent Bertoli, or any organization or entity in which Respondent Bertoli is  
2 involved as an owner, partner, officer, member, consultant, contractor, or employee, ever applies  
3 for licensure or petitions for reinstatement in the State of California, the Bureau shall treat it as a  
4 new application for licensure. Respondent Bertoli must comply with all the laws, regulations  
5 and procedures for licensure in effect at the time the application or petition is filed and all of the  
6 charges and allegations contained in Accusation No. 77/14-30 shall be deemed to be true, correct  
7 and admitted by Respondents when the Director determines whether to grant or deny the  
8 application or petition.

9 8. Respondent Bertoli shall pay to the Bureau cost recovery in the reduced amount of  
10 \$12,000 prior to issuance of any new or reinstated registration or license.

11 ACCEPTANCE

12 I have carefully read the above Stipulated Revocation of License and Order and have fully  
13 discussed it with my attorney, William Dean Ferreira. I understand the stipulation and the effect  
14 it will have on my Brake Adjusting Station License and Lamp Adjusting Station, as well as on the  
15 Automotive Repair Dealer Registration, Brake Station License and Lamp Station License issued  
16 to my dba, A & R Automotive. I enter into this Stipulated Revocation of License and Order  
17 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
18 Director of Consumer Affairs.

19 DATED: 4/13/15

  
20 ANGELO BERTOLI and A & R AUTOMOTIVE  
21 Respondents

22 I have read and fully discussed with Respondents A & R and Bertoli the terms and  
23 conditions and other matters contained in the above Stipulated Revocation of License and Order.  
24 I approve its form and content.

25 DATED: 4/13/15

  
26 William Dean Ferreira  
27 Attorney for Respondents

28 !!!  
!!!

1 KAMALA D. HARRIS  
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Supervising Deputy Attorney General  
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14 **dba A & R AUTOMOTIVE**  
15 **1141 San Mateo Avenue**  
16 **San Bruno, CA 94066-1527**  
17 **Automotive Repair Dealer Registration No. ARD 123078**  
18 **Lamp Station License No. LS 123078, Class A**  
19 **Brake Station License No. BS 123078, Class C**  
20 **And**  
21 **PIERANGELO BERTOLLI**  
22 **1141 San Mateo Avenue**  
23 **San Bruno, CA 94066-1527**  
24 **Brake Adjuster License No. BA 109822, Class C**  
25 **Lamp Adjuster License No. LA 109822, Class A**  
26 Respondents.

Case No. **77/14-30**  
**ACCUSATION**

25 Complainant alleges:

26 **PARTIES**

27 1. Patrick Dorais ("Complainant") brings this Accusation solely in his official capacity  
28 as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.



1 period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its  
2 authority to institute or continue a disciplinary proceeding against the licensee upon any ground  
3 provided by law or to enter an order suspending or revoking the license or otherwise taking  
4 disciplinary action against the licensee on any such ground.

5 9. Code section 9884.13 states:

6 The expiration of a valid [Auto Repair Dealer] registration shall not deprive the director or  
7 chief of jurisdiction to proceed with any investigation or disciplinary proceeding against an  
8 automotive repair dealer or to render a decision invalidating a registration temporarily or  
9 permanently.

10 10. Code section 9889.7 states:

11 The expiration or suspension of a [lamp or brake adjuster/station] license by operation of  
12 law or by order or decision of the director or a court of law, or the voluntary surrender of a license  
13 by a licensee shall not deprive the director of jurisdiction to proceed with any investigation of or  
14 action or disciplinary proceedings against such licensee, or to render a decision suspending or  
15 revoking such license.

16 **STATUTORY AND REGULATORY PROVISIONS**

17 11. Code section 9884.7 states, in pertinent part:

18 (a) The director, where the automotive repair dealer cannot show there was a bona fide  
19 error, may deny, suspend, revoke, or place on probation the registration of an automotive repair  
20 dealer for any of the following acts or omissions related to the conduct of the business of the  
21 automotive repair dealer, which are done by the automotive repair dealer or any automotive  
22 technician, employee, partner, officer, or member of the automotive repair dealer.

23 (1) Making or authorizing in any manner or by any means whatever any statement written or  
24 oral which is untrue or misleading, and which is known, or which by the exercise of reasonable  
25 care should be known, to be untrue or misleading.

26 . . .

27 (4) Any other conduct that constitutes fraud.

28 (5) Conduct constituting gross negligence.

1 (6) Failure in any material respect to comply with the provisions of this chapter or  
2 regulations adopted pursuant to it.

3 (7) Any willful departure from or disregard of accepted trade standards for good and  
4 workmanlike repair in any material respect, which is prejudicial to another without consent of the  
5 owner or his or her duly authorized representative.

6 ...  
7 (b) Except as provided for in subdivision (c), if an automotive repair dealer operates more  
8 than one place of business in this state, the director pursuant to subdivision (a) shall only suspend,  
9 revoke, or place on probation the registration of the specific place of business which has violated  
10 any of the provisions of this chapter. This violation, or action by the director, shall not affect in  
11 any manner the right of the automotive repair dealer to operate his or her other places of business.

12 (c) Notwithstanding subdivision (b), the director may suspend, revoke, or place on probation  
13 the registration for all places of business operated in this state by an automotive repair dealer  
14 upon a finding that the automotive repair dealer has, or is, engaged in a course of repeated and  
15 willful violations of this chapter, or regulations adopted pursuant to it.

16 12. Code section 9884.9 states, in pertinent part:

17 (a) The automotive repair dealer shall give to the customer a written estimated price for  
18 labor and parts necessary for a specific job. No work shall be done and no charges shall accrue  
19 before authorization to proceed is obtained from the customer. No charge shall be made for work  
20 done or parts supplied in excess of the estimated price without the oral or written consent of the  
21 customer that shall be obtained at some time after it is determined that the estimated price is  
22 insufficient and before the work not estimated is done or the parts not estimated are supplied.  
23 Written consent or authorization for an increase in the original estimated price may be provided  
24 by electronic mail or facsimile transmission from the customer. The bureau may specify in  
25 regulation the procedures to be followed by an automotive repair dealer if an authorization or  
26 consent for an increase in the original estimated price is provided by electronic mail or facsimile  
27 transmission. If that consent is oral, the dealer shall make a notation on the work order of the date,  
28 time, name of person authorizing the additional repairs, and telephone number called, if any,

1 together with a specification of the additional parts and labor and the total additional cost, and  
2 shall do either of the following:

3 (1) Make a notation on the invoice of the same facts set forth in the notation on the work  
4 order.

5 (2) Upon completion of the repairs, obtain the customer's signature or initials to an  
6 acknowledgment of notice and consent, if there is an oral consent of the customer to additional  
7 repairs, in the following language:

8 "I acknowledge notice and oral approval of an increase in the original estimated price.

9

10 \_\_\_\_\_  
(signature or initials)"

11 Nothing in this section shall be construed as requiring an automotive repair dealer to give a  
12 written estimated price if the dealer does not agree to perform the requested repair.

13

14 13. Code section 9889.1 states:

15 Any [lamp or brake adjuster/station] may be suspended or revoked by the director. The  
16 director may refuse to issue a license to any applicant for the reasons set forth in Section 9889.2.  
17 The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing  
18 with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director  
19 shall have all the powers granted therein.

20 14. Code section 9889.3 states, in pertinent part:

21 The director may suspend, revoke, or take other disciplinary action against a [lamp or brake  
22 adjuster/station] license as provided in this article if the licensee or any partner, officer, or  
23 director thereof:

24 (a) Violates any section of the Business and Professions Code that relates to his or her  
25 licensed activities.

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27 (c) Violates any of the regulations promulgated by the director pursuant to this chapter.

28 (d) Commits any act involving dishonesty, fraud, or deceit whereby another is injured.

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(h) Violates or attempts to violate the provisions of this chapter relating to the particular activity for which he or she is licensed.

...

15. Code section **9889.16** states:

Whenever a licensed adjuster in a licensed station upon an inspection or after an adjustment, made in conformity with the instructions of the bureau, determines that the lamps or the brakes upon any vehicle conform with the requirements of the Vehicle Code, he shall, when requested by the owner or driver of the vehicle, issue a certificate of adjustment on a form prescribed by the director, which certificate shall contain the date of issuance, the make and registration number of the vehicle, the name of the owner of the vehicle, and the official license of the station.

16. Code section **9889.22** states:

The willful making of any false statement or entry with regard to a material matter in any oath, affidavit, certificate of compliance or noncompliance, or application form which is required by this chapter or Chapter 5 (commencing with Section 44000) of Part 5 of Division 26 of the Health and Safety Code constitutes perjury and is punishable as provided in the Penal Code.

17. California Code of Regulations, title 16, section 3305, states:

(a) All adjusting, inspecting, servicing, and repairing of brake systems and lamp systems for the purpose of issuing any certificate of compliance or adjustment shall be performed in official stations, by official adjusters, in accordance with the following, in descending order of precedence, as applicable:

(1) Vehicle Manufacturers' current standards, specifications and recommended procedures, as published in the manufacturers' vehicle service and repair manuals.

(2) Current standards, specifications, procedures, directives, manuals, bulletins and instructions issued by vehicle and equipment or device manufacturers.

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1 (3) Standards, specifications and recommended procedures found in current industry-  
2 standard reference manuals and periodicals published by nationally recognized repair information  
3 providers.

4 (4) The bureau's Handbook for Brake Adjusters and Stations, February 2003, which is  
5 hereby incorporated by reference.

6 (5) The bureau's Handbook for Lamp Adjusters and Stations, February 2003, which is  
7 hereby incorporated by reference.

8 (b) The specific activities for which an official station is licensed shall be performed only in  
9 an area of the station that has been approved by the burcau. Other work may be performed in the  
10 approved area, as desired. The work area shall be within a building and shall be large enough to  
11 accommodate the motor vehicle being serviced. The bureau may make an exception to the  
12 preceding requirement by approving a work area adjacent to a building for purposes of inspecting  
13 and adjusting equipment and devices on buses, trucks, truck tractors, trailers, and semitrailers.  
14 The work area shall be kept clean and orderly.

15 (c) The services of an officially licensed adjuster appropriate to each type and class of  
16 station license held shall be available at each official station, except a fleet owner station, not less  
17 than 40 hours weekly or not less than half of the hours the station is open for business weekly,  
18 whichever is less. Fleet owner stations are required to provide the services of a licensed adjuster  
19 only for certification procedures.

20 18. California Code of Regulations, title 16, section 3316, states, in pertinent part:  
21 The operation of official lamp adjusting stations shall be subject to the following  
22 provisions:

23 . . .

24 (d) Effective April 1, 1999, licensed stations shall purchase certificates of adjustment from  
25 the burcau for a fee of three dollars and fifty cents (\$3.50) each and shall not purchase or  
26 otherwise obtain such certificates from any other source. Full payment is required at the time  
27 certificates are ordered. Certificates are not exchangeable following delivery. A licensed station  
28 shall not sell or otherwise transfer unused certificates of adjustment. Issuance of a lamp

1 adjustment certificate shall be in accordance with the following provisions:

2 (1) When a lamp adjustment certificate is issued to an applicant for an authorized  
3 emergency vehicle permit, the certificate shall certify that the vehicle has been inspected, that all  
4 lamps and related electrical systems meet all requirements of the Vehicle Code and bureau  
5 regulations, and that all lamps capable of adjustment are properly adjusted.

6 (2) Where all of the lamps, lighting equipment, and related electrical systems on a vehicle  
7 have been inspected and found to be in compliance with all requirements of the Vehicle Code and  
8 bureau regulations, the certificate shall certify that the entire system meets all of those  
9 requirements.

10 ...

11 19. California Code of Regulations, title 16, section 3321, states, in pertinent part:

12 ...

13 (c) Effective April 1, 1999, licensed stations shall purchase certificates of adjustment from  
14 the bureau for a fee of three dollars and fifty cents (\$3.50) and shall not purchase or otherwise  
15 obtain such certificates from any other source. A licensed station shall not sell or otherwise  
16 transfer unused certificates of adjustment. Full payment is required at the time certificates are  
17 ordered. Certificates are not exchangeable following delivery. Issuance of a brake adjustment  
18 certificate shall be in accordance with the following provisions:

19 (1) When a brake adjustment certificate is issued to an applicant for an authorized  
20 emergency vehicle permit, the certificate shall certify that the vehicle has been road-tested and  
21 that the entire braking system meets all requirements of the Vehicle Code and bureau regulations.

22 (2) Where the entire brake system on any vehicle has been inspected or tested and found to  
23 be in compliance with all requirements of the Vehicle Code and bureau regulations, and the  
24 vehicle has been road-tested, the certificate shall certify that the entire system meets all such  
25 requirements.

26 ...

27 (d) After correcting specified defects, official brake adjusters shall certify that defects  
28 indicated on citations or other enforcement forms have been corrected.

1 (1) The adjuster shall inform the customer of any other defective conditions present or  
2 likely to occur in the future, which have come to the adjuster's attention in conjunction with  
3 inspection of the vehicle and correction of specified defects. The adjuster shall inform the  
4 customer of the percentage of braking material left on pads/shoes, as appropriate.

5 20. California Code of Regulations, title 16, section 3353, states, in pertinent part:

6 No work for compensation shall be commenced and no charges shall accrue without  
7 specific authorization from the customer in accordance with the following requirements:

8 (a) Estimate for Parts and Labor. Every dealer shall give to each customer a written  
9 estimated price for parts and labor for a specific job.

10

...

11

21. California Code of Regulations, title 16, section 3373, states, in pertinent part:

12

No automotive repair dealer or individual in charge shall, in filling out an estimate, invoice,  
13 or work order, or record required to be maintained by section 3340.15(f) of this chapter, withhold  
14 therefrom or insert therein any statement or information which will cause any such document to  
15 be false or misleading, or where the tendency or effect thereby would be to mislead or deceive  
16 customers, prospective customers, or the public.

17

#### COST RECOVERY

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22. Code section 125.3 provides, in pertinent part, that a Board may request the  
19 administrative law judge to direct a licentiate found to have committed a violation or violations of  
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
21 enforcement of the case.

22

#### UNDERCOVER OPERATION ONE

23

23. On or about October 16, 2011, Bureau staff assessed a covert operations vehicle, a  
24 2002 Dodge, and induced a defect by machining the vehicle's right rear brake drum over the  
25 manufacturer specifications. Bureau staff also misadjusted the vehicle's headlights so that they  
26 were not within specifications. As modified by Bureau staff, the vehicle did not qualify for the  
27 issuance of certificates of adjustment regarding the vehicle's brakes or lamps.

28

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1 California Code of Regulations, title 16, section 3305, in that Respondent A & R committed acts  
2 constituting gross negligence, as set forth above in paragraphs 23-25.

3 **THIRD CAUSE FOR DISCIPLINE**

4 (A & R: Departure From Trade Standards)

5 28. Respondent A & R's registration and station licenses are subject to disciplinary action  
6 under Code section 9884.7, subsections (a)(6) and (a)(7), and Code section 9889.3, subsection (c),  
7 and under California Code of Regulations, title 16, section 3305, in that Respondent A & R  
8 willfully departed from and/or disregarded accepted trade standards for good and workmanlike  
9 repair, in a material respect, which was prejudicial to another, without consent of the owner or the  
10 owner's duly authorized representative, as set forth above in paragraphs 23-25.

11 **FOURTH CAUSE FOR DISCIPLINE**

12 (A & R: Failure to Provide Written Estimate)

13 29. Respondent A & R's registration and station licenses are subject to discipline under  
14 Code sections 9884.7(a)(6) and 9884.9(a), and Code section 9889.3, subsection (c), and under  
15 California Code of Regulations, title 16, section 3353, in that Respondent A & R failed to provide  
16 the Bureau operator with a written estimate for assessment of the vehicle, as set forth above in  
17 paragraphs 23-25.

18 **FIFTH CAUSE FOR DISCIPLINE**

19 (A & R: Failure to Comply with Certificate Requirements)

20 30. Respondent A & R's registration and station licenses are subject to discipline under  
21 Code section 9884.7(a)(6) and Code section 9889.3, subsections (a), (c) and (h), and under  
22 California Code of Regulations, title 16, sections 3316 and 3321, in that Respondent A & R  
23 issued brake and lamp certificates for the vehicle without performing required inspections and  
24 when the vehicle could not pass such inspections, as set forth above in paragraphs 23-25.

25 **SIXTH CAUSE FOR DISCIPLINE**

26 (Bertolli: Untrue or Misleading Statements, Fraud)

27 31. Respondent Bertolli's lamp and brake licenses are subject to disciplinary action under  
28 Code section 9889.3, subsections (a), (c), (d) and (h), and under California Code of Regulations,

1 title 16, section 3373, in that Respondent Bertolli made untrue and/or misleading statements, both  
2 orally and in invoices and in certificates, and/or committed fraud, and falsely represented that he  
3 had inspected a vehicle's brakes and lights, as set forth above in paragraphs 23-25.

4 **SEVENTH CAUSE FOR DISCIPLINE**

5 (Bertolli: Issuance of False Certificates)

6 32. Respondent Bertolli's lamp and brake licenses are subject to discipline under Code  
7 section 9889.3, subsections (a), (c) and (h), and Code sections 9889.16 and 9889.22, and under  
8 California Code of Regulations, title 16, sections 3305, 3316, 3321 and 3373, in that Respondent  
9 Bertolli willfully and under oath issued brake and lamp certificates for the vehicle which  
10 contained false statements when he had not performed required inspections and when the vehicle  
11 could not pass such inspections, as set forth above in paragraphs 23-25.

12 **EIGHTH CAUSE FOR DISCIPLINE**

13 (Bertolli: Failure to Adequately Inspect)

14 33. Respondent Bertolli's lamp and brake licenses are subject to discipline under Code  
15 section 9889.3, subsections (a) and (c), and under California Code of Regulations, title 16, section  
16 3305, in that Respondent Bertolli failed to inspect the vehicle in accordance with applicable  
17 standards, as set forth above in paragraphs 23-25.

18 **UNDERCOVER OPERATION TWO**

19 34. On or about November 15-21, 2012, Bureau staff assessed a covert operations  
20 vehicle, a 1997 Honda, and induced a defect by machining the vehicle's right rear brake drum  
21 over the manufacturer specifications. Bureau staff also misadjusted the vehicle's headlights so  
22 that they were not within specifications. As modified by Bureau staff, the vehicle did not qualify  
23 for the issuance of certificates of adjustment regarding the vehicle's brakes or lamps.

24 35. On or about December 28, 2012, a Bureau operator, posing as a consumer, brought  
25 the vehicle to Respondent A & R's shop and requested brake and lamp inspections of the vehicle.  
26 The operator spoke with Pierangelo Bertolli, who stated that the cost of the inspections would be  
27 \$60.00, but did not provide a written estimate. Later on the same date, the Bureau operator  
28 retrieved the vehicle from the shop. The operator paid \$60.00 to Bertolli and received an invoice,

1 a brake adjustment certificate and a lamp adjustment certificate.

2 36. On or about December 31, 2012, Bureau staff reinspected the vehicle and observed  
3 the following:

4 a. The vehicle's headlights remained out of specification. Previously-installed tamper  
5 indicators on the headlight adjusters were intact, indicating that little or no attempt had been made  
6 to properly adjust the headlights.

7 b. Previously-installed tamper indicators on all four wheels remained intact, indicating  
8 that the wheels had not been removed as required by law.

9 c. The defective right rear brake drum had not been repaired.

10 d. The vehicle did not qualify for the issuance of a brake adjustment certificate or a  
11 lamp adjustment certificate.

12 **NINTH CAUSE FOR DISCIPLINE**

13 (A & R: Untrue or Misleading Statements, Fraud)

14 37. Respondent A & R's registration and station licenses are subject to disciplinary action  
15 under Code section 9884.7, subsections (a)(1), (a)(4) and (a)(6), and Code section 9889.3,  
16 subsections (a), (c), (d) and (h), and under California Code of Regulations, title 16, section 3373,  
17 in that Respondent A & R made untrue and/or misleading statements, both orally and in invoices  
18 and in certificates, and/or committed fraud, and falsely represented that it had inspected a  
19 vehicle's brakes and lights, as set forth above in paragraphs 34-36.

20 **TENTH CAUSE FOR DISCIPLINE**

21 (A & R: Gross Negligence)

22 38. Respondent A & R's registration and station licenses are subject to disciplinary action  
23 under Code section 9884.7, subsection (a)(5), and Code section 9889.3, subsection (c), and under  
24 California Code of Regulations, Title 16, section 3305, in that Respondent A & R committed acts  
25 constituting gross negligence, as set forth above in paragraphs 34-36.

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**ELEVENTH CAUSE FOR DISCIPLINE**

(A & R: Departure From Trade Standards)

39. Respondent A & R's registration and station licenses are subject to disciplinary action under Code section 9884.7, subsections (a)(6) and (a)(7), and Code section 9889.3, subsection (e), and under California Code of Regulations, title 16, section 3305, in that Respondent A & R willfully departed from and/or disregarded accepted trade standards for good and workmanlike repair, in a material respect, which was prejudicial to another, without consent of the owner or the owner's duly authorized representative, as set forth above in paragraphs 34-36.

**TWELFTH CAUSE FOR DISCIPLINE**

(A & R: Failure to Provide Written Estimate)

40. Respondent A & R's registration and station licenses are subject to discipline under Code sections 9884.7(a)(6) and 9884.9(a), and Code section 9889.3, subsection (c), and under California Code of Regulations, title 16, section 3353, in that Respondent A & R failed to provide the Bureau operator with a written estimate for assessment of the vehicle, as set forth above in paragraphs 34-36.

**THIRTEENTH CAUSE FOR DISCIPLINE**

(A & R: Failure to Comply with Certificate Requirements)

41. Respondent A & R's registration and station licenses are subject to discipline under Code section 9884.7(a)(6) and Code section 9889.3, subsections (a), (c) and (h), and under California Code of Regulations, title 16, sections 3316 and 3321, in that Respondent A & R issued brake and lamp certificates for the vehicle without performing required inspections and when the vehicle could not pass such inspections, as set forth above in paragraphs 34-36.

**FOURTEENTH CAUSE FOR DISCIPLINE**

(Bertolli: Untrue or Misleading Statements, Fraud)

42. Respondent Bertolli's lamp and brake licenses are subject to disciplinary action under Code section 9889.3, subsections (a), (c), (d) and (h), and under California Code of Regulations, title 16, section 3373, in that Respondent Bertolli made untrue and/or misleading statements, both orally and in invoices and in certificates, and/or committed fraud, and falsely represented that he

1 had inspected a vehicle's brakes and lights, as set forth above in paragraphs 34-36.

2 **FIFTEENTH CAUSE FOR DISCIPLINE**

3 (Bertolli: Issuance of False Certificates)

4 43. Respondent Bertolli's lamp and brake licenses are subject to discipline under Code  
5 section 9889.3, subsections (a), (c) and (h), and Code sections 9889.16 and 9889.22, and under  
6 California Code of Regulations, title 16, sections 3305, 3316, 3321 and 3373, in that Respondent  
7 Bertolli willfully and under oath issued brake and lamp certificates for the vehicle which  
8 contained false statements when he had not performed required inspections and when the vehicle  
9 could not pass such inspections, as set forth above in paragraphs 34-36.

10 **SIXTEENTH CAUSE FOR DISCIPLINE**

11 (Bertolli: Failure to Adequately Inspect)

12 44. Respondent Bertolli's lamp and brake licenses are subject to discipline under Code  
13 section 9889.3, subsections (a) and(c), and under California Code of Regulations, title 16, section  
14 3305, in that Respondent Bertolli failed to inspect the vehicle in accordance with applicable  
15 standards, as set forth above in paragraphs 34-36.

16 **UNDERCOVER OPERATION THREE**

17 45. On or about December 18, 2012, through January 3, 2013, Bureau staff assessed a  
18 covert operations vehicle, a 2000 Chevrolet, and documented the fact that the vehicle's front  
19 brake rotors failed to comply with manufacturer's service specifications. Bureau staff also  
20 misadjusted the vehicle's headlights so that they were not within specifications. As modified by  
21 Bureau staff, the vehicle did not qualify for the issuance of certificates of adjustment regarding  
22 the vehicle's brakes or lamps.

23 46. On or about January 17, 2013, a Bureau operator, posing as a consumer, brought the  
24 vehicle to Respondent A & R's shop and requested brake and lamp inspections of the vehicle.  
25 The operator spoke with Pierangelo Bertolli, who stated that the cost of the inspections would be  
26 \$60.00, but did not provide a written estimate. Later on the same date, the Bureau operator  
27 retrieved the vehicle from the shop. The operator paid \$60.00 to Bertolli and received an invoice,  
28 a brake adjustment certificate and a lamp adjustment certificate.

1 47. Bureau staff conducted an undercover video observation of Respondent A & R's  
2 inspection of the vehicle. The undercover observation revealed that at no time were the vehicle's  
3 tires removed, as required by law, for the brake inspection. At no time did the Respondent  
4 Bertolli, who conducted the inspection, open the vehicle's hood to inspect brake components  
5 located in the engine compartment. At no time did Respondent Bertolli check the aim of the  
6 headlights utilizing an aiming screen, mechanical adjuster or optical adjuster. Respondent  
7 Bertolli failed to perform a driving test of the vehicle.

8 48. On or about January 25, 2013, Bureau staff reinspected the vehicle and observed the  
9 following:

10 a. The vehicle's headlights remained out of specification. Previously-installed tamper  
11 indicators on the headlight adjusters were intact, indicating that little or no attempt had been made  
12 to properly adjust the headlights.

13 b. Previously-installed tamper indicators on all four wheels remained intact, indicating  
14 that the wheels had not been removed as required by law.

15 c. The defective front brake rotors had not been repaired.

16 d. The vehicle did not qualify for the issuance of a brake adjustment certificate or a  
17 lamp adjustment certificate.

18 **SEVENTEENTH CAUSE FOR DISCIPLINE**

19 (A & R: Untrue or Misleading Statements, Fraud)

20 49. Respondent A & R's registration and station licenses are subject to disciplinary action  
21 under Code section 9884.7, subsections (a)(1), (a)(4) and (a)(6), and Code section 9889.3,  
22 subsections (a), (c), (d) and (h), and under California Code of Regulations, title 16, section 3373,  
23 in that Respondent A & R made untrue and/or misleading statements, both orally and in invoices  
24 and in certificates, and/or committed fraud, and falsely represented that it had inspected a  
25 vehicle's brakes and lights, as set forth above in paragraphs 45-48.

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**EIGHTEENTH CAUSE FOR DISCIPLINE**

(A & R: Gross Negligence)

50. Respondent A & R's registration and station licenses are subject to disciplinary action under Code section 9884.7, subsection (a)(5), and Code section 9889.3, subsection (c), and under California Code of Regulations, title 16, section 3305, in that Respondent A & R committed acts constituting gross negligence, as set forth above in paragraphs 45-48.

**NINETEENTH CAUSE FOR DISCIPLINE**

(A & R: Departure From Trade Standards)

51. Respondent A & R's registration and station licenses are subject to disciplinary action under Code section 9884.7, subsections (a)(6) and (a)(7), and Code section 9889.3, subsection (c), and under California Code of Regulations, title 16, section 3305, in that Respondent A & R willfully departed from and/or disregarded accepted trade standards for good and workmanlike repair, in a material respect, which was prejudicial to another, without consent of the owner or the owner's duly authorized representative, as set forth above in paragraphs 45-48.

**TWENTIETH CAUSE FOR DISCIPLINE**

(A & R: Failure to Provide Written Estimate)

52. Respondent A & R's registration and station licenses are subject to discipline under Code sections 9884.7(a)(6) and 9884.9(a), and Code section 9889.3, subsection (c), and under California Code of Regulations, title 16, section 3353, in that Respondent A & R failed to provide the Bureau operator with a written estimate for assessment of the vehicle, as set forth above in paragraphs 45-48.

**TWENTY-FIRST CAUSE FOR DISCIPLINE**

(A & R: Failure to Comply with Certificate Requirements)

53. Respondent A & R's registration and station licenses are subject to discipline under Code section 9884.7(a)(6) and Code section 9889.3, subsections (a), (c) and (h), and under California Code of Regulations, title 16, sections 3316 and 3321, in that Respondent A & R issued brake and lamp certificates for the vehicle without performing required inspections and when the vehicle could not pass such inspections, as set forth above in paragraphs 45-48.

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**TWENTY-SECOND CAUSE FOR DISCIPLINE**

(Bertolli: Untrue or Misleading Statements, Fraud)

54. Respondent Bertolli's lamp and brake licenses are subject to disciplinary action under Code section 9889.3, subsections (a), (c), (d) and (h), and under California Code of Regulations, title 16, section 3373, in that Respondent Bertolli made untrue and/or misleading statements, both orally and in invoices and in certificates, and/or committed fraud, and falsely represented that he had inspected a vehicle's brakes and lights, as set forth above in paragraphs 45-48.

**TWENTY-THIRD CAUSE FOR DISCIPLINE**

(Bertolli: Issuance of False Certificates)

55. Respondent Bertolli's lamp and brake licenses are subject to discipline under Code section 9889.3, subsections (a), (c) and (h), and Code sections 9889.16 and 9889.22, and under California Code of Regulations, title 16, sections 3305, 3316, 3321 and 3373, in that Respondent Bertolli willfully and under oath issued brake and lamp certificates for the vehicle which contained false statements when he had not performed required inspections and when the vehicle could not pass such inspections, as set forth above in paragraphs 45-48.

**TWENTY-FOURTH CAUSE FOR DISCIPLINE**

(Bertolli: Failure to Adequately Inspect)

56. Respondent Bertolli's lamp and brake licenses are subject to discipline under Code section 9889.3, subsections (a) and(c), and under California Code of Regulations, title 16, section 3305, in that Respondent Bertolli failed to inspect the vehicle in accordance with applicable standards, as set forth above in paragraphs 45-48.

**OTHER MATTERS**

57. Pursuant to Code section 9884.7(c), the director may suspend, revoke, or place on probation the registrations for all places of business operated in this state by Respondent Angelo Bertolli Automotive Inc., Pierangelo Bertolli, President/Secretary/Treasurer, dba A & R Automotive, upon a finding that Respondent has, or is, engaged in a course of repeated and willful violation of the laws and regulations pertaining to an automotive repair dealer.

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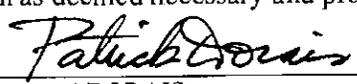


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9. Ordering Respondents to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

10. Taking such other and further action as deemed necessary and proper.

DATED: November 22, 2013



PATRICK DORAIS  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
*Complainant*